

## Message Text

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ACTION SNM-05

INFO OCT-01 EA-12 ISO-00 L-03 CA-01 PPTE-00 DEAE-00  
/022 W

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FM AMEMBASSY RANGOON  
TO SECSTATE WASHDC 5656

UNCLAS RANGOON 2548

E.O. 11652: N/A  
TAGS: SNAR  
SUBJECT: NARCOTICS LAWS

REF: (A) STATE 170187; (B) RANGOON 0773 (1977);  
(C) RANGOON A-024, MARCH 1, 1974

1. BURMESE NARCOTICS DRUG ACT TRANSMITTED TO DEPARTMENT BY REF. C.  
AS NOTED REF. B, THE ACT PROVIDES THE SAME PENALTIES FOR CANNABIS  
ABUSE AS FOR ANY OF THE OTHER ONE HUNDRED ITEMS DEFINED BY THE  
GUB AS NARCOTIC DRUGS.

2. NEITHER BURMESE LAW NOR ENFORCEMENT PRACTICES DIFFERENTIATE IN  
TREATMENT OF PERSONS ACCUSED OF POSSESSION OR TRAFFICKING OF  
DIFFERENT TYPES OF NARCOTICS OR CONTROLLED SUBSTANCES AND  
PHARMACEUTICALS. PUNISHMENT FOR POSSESSION OR IN-COUNTRY TRANS-  
PORTATION IS A MINIMUM OF FIVE YEARS TO A MAXIMUM OF TEN YEARS.  
SUCH SENTENCES ARE REGULARLY IMPOSED BY BURMSES COURTS.

3. TRAFFICKING: BURMESE LEGAL PROHIBITIONS AGAINST PROCESSING,  
IMPORT AND EXPORT, OR SALE APPLY TO ALL CONTROLLED SUBSTANCES. THE  
MINIMUM SENTENCE IS TEN YEARS IMPRISONMENT; THE MAXIMUM CAN BE  
DEATH (ALTHOUGH DEATH SENTENCES ARE SOMETIMES COMMUTED TO LIFE  
IMPRISONMENT). BAIL IN SUCH CASES HAS NEVER, TO OUR KNOWLEDGE,  
BEEN GRANTED. THE ELEMENTS OF THE OFFENSE ARE THE ACTS THEMSELVES;  
ANY AMOUNT OF CONTROLLED SUBSTANCE CONSTITUTES A CRIME.

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CONSPIRACY TO TRAFFIC CARRIES THE SAME PUNISHMENT AS TRAFFICKING.

4. BURMESE LAW PROHIBITS CULTIVATION, PRODUCTION OR ELABORATION  
OF OPIUM, COCA, HEMP AND THEIR PRODUCTS. PENALTIES FOR CULTIVATION  
AND PRODUCTION (DEFINED AS THE EXTRACTION OR SEPARATION OF  
SUBSTANCES TO A STAGE FIT FOR HUMAN CONSUMPTION) ARE FROM FIVE TO  
TEN YEARS IMPRISONMENT. THE PENALTY FOR PROCESSING RANGES FROM

TEN YEARS IMPRISONMENT TO A DEATH SENTENCE.

5. BURMESE FOREIGN EXCHANGE CONTROLS ARE EXTRAORDINARILY STRICT. FOREIGN CURRENCY EXPORTS ARE ALLOCATED BY A STATE BANKING SYSTEM. SCRUTINY OF CURRENCY IMPORT AND EXPORT BY TOURISTS IS DETAILED AND METHODICAL; BURMESE CITIZENS AND RESIDENTS ARE PROHIBITED FROM MAINTAINING FOREIGN BANK ACCOUNTS.

6. UNDER CURRENT BURMESE ANTI-SUBVERSIVE LAW THE GUB CAN DETAIN PERSONS INDEFINITELY FOR INVESTIGATION. WHETHER OR NOT CONSULAR ACCESS IS ALLOWED DEPENDS UPON THE NATURE OF THE OFFENSE. ACCESS CAN BE DELAYED UNTIL IT IS DETERMINED THAT "NATIONAL SECURITY" , WHICH IS BROADLY DEFINED, IS NOT INVOLVED. PRE-TRIAL BAIL IS NOT NORMALLY GRANTED ACCUSED PERSONS IN NARCOTICS CASES, AND DELAYS OF UP TO THREE YEARS MAY OCCUR BEFORE TRIAL. ONCE IT BEGINS, THE TRIAL ITSELF IS USUALLY NOT A LENGTHY ONE, BUT THE APPEAL PROCESS CAN TAKE SEVERAL MONTHS. FREE LEGAL ASSISTANCE MAY BE MADE AVAILABLE IN MAJOR CASES WHEN DEFENDENT IS GENUINELY INDIGENT. LAWYERS ARE AVAILABLE, ALTHOUGH WE KNOW OF NO LAWYER WHO HAS RECENTLY HANDLED A NARCOTICS CASE INVOLVING A FOREIGNER. "CONDITIONAL LIBERTY" HAS OCCASIONALLY BEEN GRANTED, BUT NOT TO OUR KNOWLEDGE IN NARCOTICS CASES. THE BURMESE HAVE OCCASIONALLY EXPELLED FOREIGNERS CONVICTED OF MINOR OFFENSES NOT RPT NOT INVOLVING NARCOTICS. CONSIDERING THE VIGOR WITH WHICH NARCOTICS LAWS ARE ENFORCED AMONG BURMESE, IT WOULD BE RASH FOR FOREIGNERS TO EXPECT SUCH CONSIDERATION IN UNCLASSIFIED

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NARCOTICS CASES. CONDITIONS IN BURMESE PRISONS ARE RIGOROUS.  
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## Message Attributes

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**Capture Date:** 01 jan 1994  
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**Decaption Note:**  
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**Disposition Comment:**  
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